

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 529

Introduced by Nantkes, 46

Read first time January 17, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to the Attracting Excellence to Teaching
2 Program Act; to amend sections 79-8,133, 79-8,135,
3 79-8,136, and 79-8,137, Reissue Revised Statutes of
4 Nebraska, and section 79-1018.01, Revised Statutes
5 Cumulative Supplement, 2006; to define a term; to
6 establish a mentor teacher supplemental compensation
7 pilot program; to prescribe eligibility; to prescribe
8 duties; to harmonize provisions; and to repeal the
9 original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-8,133, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-8,133 For purposes of the Attracting Excellence to
4 Teaching Program Act:

5 (1) Department means the State Department of Education;

6 (2) Eligible institution means a not-for-profit college
7 or university which (a) is located in Nebraska, (b) is accredited
8 by the North Central Association of Colleges and Schools, (c) has a
9 teacher education program accredited by the department, and (d) if
10 a privately funded college or university, has not opted out of the
11 act pursuant to rules and regulations;

12 (3) Eligible student means an individual who (a) is a
13 full-time student, (b) is enrolled in an eligible institution in a
14 teacher education program, and (c) if enrolled at a state-funded
15 eligible institution, is a resident student as described in section
16 85-502 or, if enrolled in a privately funded eligible institution,
17 would be deemed a resident student if enrolled in a state-funded
18 eligible institution;

19 (4) Full-time student means, in the aggregate, the
20 equivalent of a student who in a twelve-month period is enrolled
21 in thirty semester credit hours or forty-five quarter credit hours
22 of classroom, laboratory, clinical, practicum, or independent study
23 course work; and

24 (5) Teacher education program means a program of study
25 which results in obtaining a bachelor's degree which meets the

1 education requirements for certification pursuant to sections
2 79-806 to 79-815; and -

3 (6) High poverty school means an elementary, middle, or
4 secondary public school in which the poverty factor described in
5 section 79-1007.01 applies to forty-five percent or more of the
6 students enrolled in such school.

7 Sec. 2. Section 79-8,135, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 79-8,135 (1) The State Department of Education shall
10 administer the Attracting Excellence to Teaching Program either
11 directly or by contracting with a public or private entity.

12 (2) To be eligible for the program, an eligible student
13 shall:

14 (a) Graduate in the top quarter of his or her high school
15 class or have a minimum cumulative grade-point average of 3.0 on a
16 four-point scale in an eligible institution;

17 (b) Agree to complete a teacher education program at an
18 eligible institution; and

19 (c) Commit to teach in an accredited or approved public
20 or private school in Nebraska upon successful completion of a
21 teacher education program at an eligible institution and becoming
22 certified pursuant to sections 79-806 to 79-815.

23 ~~(3)~~ (3)(a) Eligible students may apply on an annual
24 basis for loans in an amount of not more than two thousand five
25 hundred dollars per year. ~~Priorities for loans shall be to eligible~~

1 ~~students who are majoring in subject shortage areas as defined~~
2 ~~by the department.~~ Loans awarded to individual students shall not
3 exceed a cumulative period exceeding five consecutive years. Loans
4 shall only be awarded through an eligible institution and funded
5 pursuant to section 79-8,136.

6 (b) Priorities for loans awarded pursuant to subdivision
7 (a) of this subsection shall be as follows:

8 (i) First, to eligible students who have graduated from
9 a high poverty school located in Nebraska and who commit to teach
10 in a high poverty school upon successful completion of a teacher
11 education program; and

12 (ii) Second, to students who are majoring in subject
13 shortage areas as defined by the department.

14 Sec. 3. Section 79-8,136, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 79-8,136 The Attracting Excellence to Teaching Program
17 Cash Fund is created. The fund shall consist of appropriations
18 by the Legislature, transfers pursuant to section 9-812, and loan
19 repayments, penalties, and interest payments received in the course
20 of administering the Attracting Excellence to Teaching Program.
21 The department shall allocate on an annual basis the funds to be
22 distributed for the program to all eligible institutions according
23 to the distribution formula as determined by rule and regulation.
24 ~~7 except that the State Treasurer shall transfer the cash balance~~
25 ~~existing on November 9, 2001, in the fund to the General Fund~~

1 ~~within five days after November 9, 2001.~~ The eligible institutions
2 shall act as agents of the department in the distribution of the
3 funds to eligible students. Any money in the Attracting Excellence
4 to Teaching Program Cash Fund available for investment shall be
5 invested by the state investment officer pursuant to the Nebraska
6 Capital Expansion Act and the Nebraska State Funds Investment Act.

7 Sec. 4. Section 79-8,137, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 79-8,137 (1) Prior to receiving any money from a loan
10 pursuant to the Attracting Excellence to Teaching Program, an
11 eligible student shall enter into a contract with the department.
12 The contract shall require that if (a) the borrower is not employed
13 as a teacher in Nebraska for a time period equal to the number
14 of years required for loan forgiveness pursuant to subsection (2)
15 of this section and is not enrolled as a full-time student in a
16 graduate program within six months after obtaining an undergraduate
17 degree for which a loan from the program was obtained or (b)
18 the borrower does not complete the requirements for graduation
19 within five consecutive years after receiving the initial loan
20 under the program, then the loan must be repaid, with interest at
21 the rate fixed pursuant to section 45-103 accruing as of the date
22 the borrower signed the contract, and an appropriate penalty as
23 determined by the department may be assessed. If a borrower fails
24 to remain enrolled at an eligible institution or otherwise fails to
25 meet the requirements of an eligible student, repayment of the loan

1 shall commence within six months after such change in eligibility.
2 The State Board of Education may by rules and regulations provide
3 for exceptions to the conditions of repayment pursuant to this
4 subsection based upon mitigating circumstances.

5 (2) If the borrower (a) successfully completes the
6 teacher education program and becomes certified pursuant to
7 sections 79-806 to 79-815, (b) becomes employed as a teacher
8 in this state within six months of becoming certified, and (c)
9 otherwise meets the requirements of the contract, payments shall be
10 suspended for the number of years that the borrower is required
11 to remain employed as a teacher in this state under the contract.
12 For each year that the borrower teaches in Nebraska pursuant to
13 the contract, payments shall be forgiven in an amount equal to the
14 amount borrowed for one year, except if the borrower teaches in
15 a school district that is at least partially in a local system
16 classified in the very sparse cost grouping as provided in section
17 79-1007.02 or teaches in a ~~school district in which at least forty~~
18 ~~percent of the students qualify for the poverty factor as provided~~
19 ~~in section 79-1007.01, high poverty school as defined in section~~
20 79-8,133, payments shall be forgiven each year in an amount equal
21 to the amount borrowed for two years.

22 (3) (a) Teachers who have retired the entire debt incurred
23 pursuant to this loan program and who thereafter become mentors to
24 teachers or students in a high poverty school may become eligible
25 for supplemental mentor teacher compensation pursuant to section 6

1 of this act.

2 (b) This subsection (3) terminates on June 30, 2012.

3 Sec. 5. (1) There is hereby established the mentor
4 teacher supplemental compensation pilot program. The purpose of
5 this section is to provide financial and professional incentives
6 and recognition for teachers employed in high poverty schools, as
7 defined in section 79-8,133, who commit to providing mentorship and
8 guidance services to other teachers or students in such schools.

9 (2) The State Department of Education shall establish,
10 within its teacher certification rules, a pilot program to
11 recognize the professional services of teachers who make a career
12 commitment to improving the teaching and learning in high poverty
13 schools.

14 (3) The mentor teacher supplemental compensation pilot
15 program shall provide salary supplements to mentor teachers of:

16 (a) One thousand two hundred dollars per year for mentor
17 teachers with three to seven years teaching experience in a high
18 poverty school;

19 (b) Two thousand four hundred dollars per year for mentor
20 teachers with eight to twelve years teaching experience in a high
21 poverty school;

22 (c) Three thousand six hundred dollars per year for
23 mentor teachers with thirteen to seventeen years experience in a
24 high poverty school; and

25 (d) Four thousand eight hundred dollars per year for

1 mentor teachers with more than seventeen years experience in a high
2 poverty school.

3 (4) Amounts expended by school districts for salary
4 supplements for mentor teachers in high poverty schools, including
5 taxes imposed pursuant to the Federal Insurance Contributions Act
6 and retirement contributions made pursuant to federal and state
7 law, shall be exempt from the budget limitations imposed pursuant
8 to sections 79-1025 to 79-1027.

9 (5) Salary supplements for mentor teachers in high
10 poverty schools shall be in addition to, and shall not supplant,
11 any compensation provided through negotiated labor agreements.

12 (6) It is the intent of the Legislature that no more than
13 one million dollars per year be appropriated for purposes of this
14 section. If the amount appropriated in any year is not sufficient
15 to fund all eligible mentor teachers, the salary supplements shall
16 be provided on a prorated basis.

17 (7) This section terminates on June 30, 2012.

18 Sec. 6. Section 79-1018.01, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 79-1018.01 Local system formula resources include other
21 actual receipts available for the funding of general fund operating
22 expenditures as determined by the department for the second school
23 fiscal year immediately preceding the school fiscal year in which
24 aid is to be paid, except that receipts from the Community
25 Improvements Cash Fund, receipts acquired pursuant to the Low-Level

1 Radioactive Waste Disposal Act, and, beginning with the calculation
2 of state aid to be distributed in school fiscal year 2004-05,
3 tuition receipts from converted contracts shall not be included.

4 Other actual receipts include:

5 (1) Public power district sales tax revenue;

6 (2) Fines, penalties, and license money distributed in
7 accordance with Article VII, section 5, of the Constitution of
8 Nebraska; and license fees;

9 (3) Tuition receipts from individuals, other districts,
10 or any other source except receipts derived from adult education,
11 tuition receipts from converted contracts, and receipts from
12 educational entities as defined in section 79-1332 for providing
13 distance education courses through the Distance Education Council
14 to such educational entities;

15 (4) Transportation receipts;

16 (5) Interest on investments;

17 (6) Other miscellaneous noncategorical local receipts,
18 not including receipts from private foundations, individuals,
19 associations, or charitable organizations;

20 (7) Special education receipts, excluding grant funds
21 received pursuant to section 9-812;

22 (8) Special education receipts and non-special education
23 receipts from the state for wards of the court and wards of the
24 state;

25 (9) All receipts from the temporary school fund.

1 Beginning with the calculation of aid for school fiscal year
2 2002-03 and each school fiscal year thereafter, receipts from
3 the temporary school fund shall only include receipts pursuant
4 to section 79-1035 and the receipt of funds pursuant to section
5 79-1036 for property leased for a public purpose as set forth in
6 subdivision (1) (a) of section 77-202;

7 (10) Motor vehicle tax receipts received on or after
8 January 1, 1998;

9 (11) Pro rata motor vehicle license fee receipts;

10 (12) Other miscellaneous state receipts excluding revenue
11 from the textbook loan program authorized by section 79-734;

12 (13) Impact aid entitlements for the school fiscal year
13 which have actually been received by the district to the extent
14 allowed by federal law;

15 (14) All other noncategorical federal receipts;

16 (15) All receipts pursuant to the enrollment option
17 program under sections 79-232 to 79-246;

18 (16) Receipts under the federal Medicare Catastrophic
19 Coverage Act of 1988, as such act existed on May 8, 2001, as
20 authorized pursuant to ~~sections 43-2510 and section 43-2511~~ but
21 only to the extent of the amount the local system would have
22 otherwise received pursuant to the Special Education Act; and

23 (17) Receipts for accelerated or differentiated
24 curriculum programs pursuant to sections 79-1106 to 79-1108.03; and

25 -

1 (18) Receipts for mentor teacher salary supplements
2 pursuant to section 6 of this act.

3 Sec. 7. Original sections 79-8,133, 79-8,135, 79-8,136,
4 and 79-8,137, Reissue Revised Statutes of Nebraska, and section
5 79-1018.01, Revised Statutes Cumulative Supplement, 2006, are
6 repealed.